

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEAN MARC VAN DEN HEUVEL,

Plaintiff,

v.

MICHAEL FRAIL,

Defendant.

No. 2:22-cv-02277-DAD-KJN (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 13)

Plaintiff Jean Marc Van den Heuvel, proceeding *pro se* and *in forma pauperis*, initiated this civil action on December 21, 2022. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 30, 2023, the assigned magistrate judge screened plaintiff's complaint and supplemental filings and found that plaintiff's allegations, which are "difficult to understand" and appear frivolous, do "not contain a description of defendant's actions" and do not link "defendant to any violation of federal rights." (Doc. No. 9.) The magistrate judge therefore directed plaintiff to file either a first amended complaint or a notice of voluntary dismissal of this action. (*Id.* at 6.) Plaintiff did not comply with that order.

Consequently, on November 7, 2023, the assigned magistrate judge issued findings and recommendation recommending that this action be dismissed because plaintiff's complaint fails

1 to state a cognizable claim and fails to cure the deficiencies identified by the magistrate judge in
2 the screening order dated June 30, 2023. (Doc. No. 5 at 2–3.) The pending findings and
3 recommendations were served on plaintiff and contained notice that any objections thereto were
4 to be filed within fourteen (14) days after service. (*Id.* at 2.) On November 20, 2023, plaintiff
5 filed objections to the pending findings and recommendations. (Doc. No. 14.)

6 As with plaintiff's other filings in this action, his objections are difficult to decipher and
7 consist of pages of run-on rambling sentences without punctuation. Plaintiff's non-sensical
8 rambling does not substantively address the findings and recommendations. Plaintiff's objections
9 simply provide no basis upon which to reject the pending findings and recommendations.

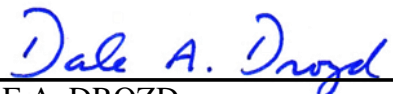
10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
11 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's
12 objections, the court concludes that the findings and recommendations are supported by the
13 record and by proper analysis.

14 Accordingly:

- 15 1. The findings and recommendations issued on November 7, 2023 (Doc. No. 13) are
16 adopted in full;
- 17 2. This action is dismissed due to plaintiff's failure to state a cognizable claim for
18 relief; and
- 19 3. The Clerk of the Court is directed to close this case.

20 IT IS SO ORDERED.

21 Dated: January 30, 2024

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23 DALE A. DROZD
24 UNITED STATES DISTRICT JUDGE
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